

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA

DIANA OGDEN,

Plaintiff,

vs.

CIVIL ACTION NO. 2:08CV04

MICHAEL J. ASTRUE,
Commissioner of the Social Security Administration,

Defendant.

ORDER

The Court has received Plaintiff's January 7, 2008, Complaint, which she submitted pursuant to 42 U.S.C.A. 405(g). Plaintiff seeks leave of the Court to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

All litigants are required to pay the costs and fees associated with civil lawsuits unless their financial condition warrants a grant of *in forma pauperis* status.

Review of Plaintiff's Application To Proceed Without Prepayment of Fees and Affidavit reflects Plaintiff has savings in the amount of \$500, jointly owns a "camper" with her husband, which is used for "pleasure," and realizes expenses in the amount of \$3,222.00 per month. Plaintiff has a disposable income of \$4,600.00 per month. Even though Plaintiff did not complete Section 17A, B, or C of the Monthly Household Income attachment to her Application, Plaintiff asserts in Section 19 that her monthly disposable income is in the form of her husband's \$2,950.00 "take home pay"; real estate income in the amount of \$450.00; and "other" income in the amount of \$1,200.00.¹ Based upon the information supplied in Plaintiff's application, the undersigned finds Plaintiff has adequate funds to pay the filing and other fees incident to this social security appeal; therefore, Plaintiff's motion is **DENIED**.

¹At Section 19L, Plaintiff does not explain the source of the \$1,200 income, but writes that the undersigned should "see letter," which is not attached to her application.

It is **ORDERED** that,

1) within thirty (30) days from the date of entry of this Order, Plaintiff must pay the filing fee and other fees in the amount of \$350.00 to the Clerk of the United States District Court, Northern District of West Virginia;

2) the Clerk of the United States District Court shall not process Plaintiff's complaint until the \$350.00 fee has been paid by Plaintiff; and

3) Plaintiff is advised that failure to pay the \$350.00 fee within thirty (30) days of the date of entry of this order will result in the dismissal of this action.

IT IS SO ORDERED.

The Clerk of the United States District Court for the Northern District of West Virginia shall provide a copy of this order to counsel of record.

DATED: January 10, 2008



JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE